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HOUSE BILL 1272

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State of Washington

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By Representatives Dunshee, Jarrett, Linville, Nixon, Hunt, Rodne, Strow, Tom, McDermott, Sommers, Appleton, Simpson, Dickerson, Lovick, Hasegawa, Sells, Cody, Morrell, Chase, Hudgins, B. Sullivan, Schual-Berke, Williams, Lantz, Kilmer, Moeller, Roberts, Upthegrove, McCoy, Hunter, Darneille, Miloscia, Green, O'Brien, P. Sullivan, Anderson, Kenney, Murray, Wallace, Ormsby, Haigh, Kagi and McIntire

Read first time 01/19/2005. Referred to Committee on Capital Budget.

1 AN ACT Relating to high-performance green buildings; adding a new  
2 section to chapter 39.04 RCW; adding a new section to chapter 28B.10  
3 RCW; adding a new section to chapter 28A.150 RCW; and adding a new  
4 chapter to Title 39 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that public  
7 buildings can be built and renovated using high-performance methods  
8 that save money, improve school performance, and make workers more  
9 productive. High-performance green buildings are proven to increase  
10 student test scores, reduce worker absenteeism, and cut energy and  
11 utility costs.

12 (2) It is the intent of the legislature that state-owned buildings  
13 and schools be improved by adopting nationally recognized standards for  
14 high-performance green buildings and allowing flexible methods and  
15 choices in how to achieve those standards. The legislature also  
16 intends that independent performance audits be used to monitor this  
17 program and ensure that our economic, community, and environmental  
18 goals are achieved each year.

1        NEW SECTION.    **Sec. 2.** The definitions in this section apply  
2 throughout this chapter unless the context clearly requires otherwise.

3        (1) "Comparable design standard" means a standard, comparable to  
4 the LEED silver standard with equivalent thresholds, that has been  
5 approved by the state board of education for public school districts.

6        (2) "Department" means the department of general administration.

7        (3) "LEED silver standard" means the United States green building  
8 council leadership in energy and environmental design green building  
9 rating standard, referred to as silver standard.

10       (4) "Major facility project" means: (a) A construction project  
11 larger than five thousand gross square feet of occupied space; and (b)  
12 a building renovation project when the cost is greater than fifty  
13 percent of the assessed value and the project is larger than five  
14 thousand gross square feet of occupied space. "Major facility" does  
15 not include transmitter buildings, pumping stations, or other similar  
16 building types as determined by the department.

17       (5) "Public agency" means every state office, officer, board,  
18 commission, committee, bureau, department, and public higher education  
19 institution.

20       (6) "Public higher education institution" means a public four-year  
21 college or university or a public two-year community or technical  
22 college.

23       (7) "Public school district" means the same as described in RCW  
24 28A.315.005.

25       NEW SECTION.    **Sec. 3.** (1) All major facility projects of public  
26 agencies receiving any funding in a state capital budget shall be  
27 designed, constructed, and certified to at least the LEED silver  
28 standard. This subsection (1) applies to major facility projects that  
29 have not entered the design phase prior to the effective date of this  
30 section.

31       (2) All major facility projects of any entity other than a public  
32 agency or public school district receiving any funding in a state  
33 capital budget shall be designed, constructed, and certified to at  
34 least the LEED silver standard. This subsection (2) applies to major  
35 facility projects that have not entered the design phase prior to the  
36 effective date of this section and to the extent appropriate LEED  
37 silver standards exist for that type of building or facility.

1 (3) All major facility projects of public school districts shall be  
2 designed, constructed, and certified to at least the LEED silver  
3 standard or a comparable design standard. This subsection (3) applies  
4 to major facility projects that have not entered the design phase prior  
5 to: (a) July 1, 2006, for class one school districts; and (b) July 1,  
6 2007, for class two school districts.

7 (4) Public agencies and public school districts shall monitor and  
8 document ongoing operating savings resulting from major facility  
9 projects designed, constructed, and certified as required under this  
10 section. Public agencies shall report annually to the department on  
11 its major facility projects and operating savings, while public school  
12 districts shall report annually to the office of the superintendent of  
13 public instruction.

14 (5) The department and the superintendent of public instruction  
15 shall each consolidate the reports required in subsection (4) of this  
16 section into one report and each shall report to the governor and  
17 legislature by September 1st of each even-numbered year beginning in  
18 2006. In its report, the department and superintendent of public  
19 instruction shall also report on the implementation of this chapter and  
20 make recommendations regarding the ongoing implementation of this  
21 chapter, including a discussion of incentives and disincentives related  
22 to implementing this chapter.

23 NEW SECTION. **Sec. 4.** (1)(a) The department, in consultation with  
24 affected public agencies, shall develop and issue guidelines for  
25 administering this chapter for public agencies. The purpose of the  
26 guidelines is to define a procedure and method for employing and  
27 verifying activities necessary for certification to at least the LEED  
28 silver standard for major facility projects.

29 (b) The department shall amend its fee schedule for architectural  
30 and engineering services to accommodate the requirements in the design  
31 of major facility projects under this chapter.

32 (2) The state board of education, in consultation with the  
33 department and the superintendent of public instruction, shall develop  
34 and issue guidelines for administering this chapter for public school  
35 districts. The purpose of the guidelines is to define a procedure and  
36 method for employing and verifying compliance with the LEED silver  
37 standard or a comparable design standard in major facility projects.

1 (3) The department shall create a high-performance buildings  
2 advisory committee comprised of affected public agencies, the state  
3 board of education, the office of the superintendent of public  
4 instruction, and others at the department's discretion to provide  
5 advice on implementing this chapter. Among other things, the advisory  
6 committee shall make recommendations regarding an education and  
7 training process and an ongoing evaluation or feedback process to help  
8 the department and the state board of education implement this chapter.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 39.04 RCW  
10 to read as follows:

11 (1) Notwithstanding any other provision in this chapter, public  
12 works project requests for proposals or bids on major facility projects  
13 required to be high-performance green buildings under chapter 39.-- RCW  
14 (sections 1 through 4 of this act) shall provide for performance-based  
15 contracting, building commissioning, or responsible bidding as  
16 necessary to design, construct, and certify the major facility project  
17 to meet the LEED silver standard. Major facility projects required to  
18 be high-performance green buildings must include building commissioning  
19 as a critical cost-saving part of the construction process. In  
20 addition, project design and construction team participants and project  
21 ownership representatives are required in the requests for proposals or  
22 bids on major facility projects to engage in a facilitated design  
23 process that develops understanding of the LEED silver standard  
24 criteria, initiated early and maintained consistently throughout all  
25 phases of design and decision making.

26 (2) The department of general administration shall adopt rules to  
27 implement this section.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.10 RCW  
29 to read as follows:

30 Higher education institutions must comply with high-performance  
31 green building requirements under chapter 39.-- RCW (sections 1 through  
32 4 of this act).

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.150  
34 RCW to read as follows:

1 School districts must comply with high-performance green building  
2 requirements under chapter 39.-- RCW (sections 1 through 4 of this  
3 act).

4 NEW SECTION. **Sec. 8.** Sections 1 through 4 of this act constitute  
5 a new chapter in Title 39 RCW.

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